



Department of Commerce

Division of State Fire Marshal
John R. Kasich, Governor
David Goodman, Director

November 29, 2012

Melissa Johnson
Port of Greater Cincinnati Development Authority
299 East Sixth Street, Suite 2A
Cincinnati, OH 45202

RE: USEPA Brownfield Petroleum Assessment Grant Eligibility Determination

Dear Ms. Johnson:

This letter acknowledges that the State Fire Marshal, Bureau of Underground Storage Tank Regulations ("BUSTR") was notified of the Port of Greater Cincinnati Development Authority's plan to submit a Petroleum Brownfield Assessment Grant proposal for the following property:

- **Former Sinclair Gas Station, 800 Wyoming Avenue, Lockland, OH 45215 ("Property")**

The applicant provided BUSTR with information regarding a brief description of the site history related to the potential presence of petroleum underground storage tanks ("USTs") and requested that BUSTR make the necessary determination on eligibility for Brownfield funding. The Property was previously occupied by a gas station which ceased operations between 1983 and 1984. The Property is present in BUSTR's database under release number #31010237-N00001. Two 2,000-gallon gasoline USTs and an 8,000-gallon gasoline UST were removed from the Property on September 18, 2012. A UST Closure report was submitted to BUSTR documenting elevated concentrations of chemicals of concern above applicable action levels.

BUSTR's eligibility determination employs the criteria set forth under §101(39)(D)(II)(bb) of the Comprehensive Environmental Response Compensation and Liability Act, as further described in the United States Environmental Protection Agency's "FY10 Guidelines for Brownfield Assessment Grants" (EPA-OSWER-OBLR-10-9). Please note that this eligibility determination by BUSTR does not release any party from obligations under any federal or state law or regulation, or under common law, and does not impact or limit BUSTR's enforcement authority against any person, including an applicant, regarding liability for conditions at the Property.

Based on the information provided by the applicant, and pursuant to applicable laws, regulations and guidance, BUSTR has determined the following:

- The Property is of "relatively low risk" as compared with other petroleum-only release sites in Ohio. In addition, LUST trust fund monies are not being used for any cleanup activities, and the site is not subject to a response under the Oil Pollution Act.
- The responsible party required to assess and subsequently clean-up the potential contamination is unknown at this time.
- The Property is unlikely to be assessed, investigated, or cleaned up by a person that is potentially liable for cleaning up the Property.
- The Property is not subject to any order issued under 9003(h) of the Solid Waste Disposal Act.

At this time, under the current property conditions, and based on information provided to BUSTR, the Property appears to be eligible for Brownfield funding and the Port of Greater Cincinnati Development Authority has the full support of the Division of State Fire Marshal, BUSTR.

Sincerely,

A handwritten signature in black ink, appearing to read "Verne A. Ord". The signature is fluid and cursive, with the first name "Verne" written in a stylized, connected manner, followed by "A." and "Ord".

Verne A. Ord
Assistant Chief – BUSTR
Division of State Fire Marshal
Ohio Department of Commerce

xc: Site File



FW: Eligibility Determination: 800 Wyoming Avenue - Port of Greater Cincinnati Development Authority

Melissa Johnson to: Diane Spencer

11/30/2012 09:31 AM

From: Melissa Johnson <mjohnson@cincinnatiport.org>

To: Diane Spencer/R5/USEPA/US@EPA,

1 attachment



DOC001.pdf

Diane,

A copy of the BUSTR eligibility determination for 800 Wyoming Avenue is attached.

Thanks!

Best,

Melissa

Melissa S. Johnson | Director of Transportation & Logistics

Port of Greater Cincinnati Development Authority

P: 513.621.3000 | C: 513.889.8483 | F: 513.621.1080

mjohnson@cincinnatiport.org | www.cincinnatiport.org

From: Siath, Ryan [mailto:Ryan.Siath@com.state.oh.us]

Sent: Friday, November 30, 2012 10:30 AM

To: Melissa Johnson

Subject: RE: Eligibility Determination: 800 Wyoming Avenue - Port of Greater Cincinnati Development Authority

Melissa:

A copy of the completed eligibility letter is appended.

Best regards



Ryan Siath

Environmental Specialist 2

Ohio Department of Commerce

Division of State Fire Marshal

Bureau of Underground Storage Tank Regulations

8895 East Main Street, Reynoldsburg, Ohio 43068

614-387-7416 (Phone), 614-752-7941(FAX)

www.com.ohio.gov

This message and any response to it may constitute a public record and thus may be publicly available.

From: Melissa Johnson [mailto:mjohnson@cincinnatiport.org]
Sent: Tuesday, November 20, 2012 3:10 PM
To: Siath, Ryan
Subject: Eligibility Determination: 800 Wyoming Avenue - Port of Greater Cincinnati Development Authority

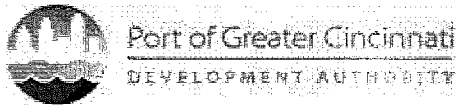
Ryan,

Please find attached an eligibility determination for 800 Wyoming Avenue, Lockland, Ohio. This property is requesting site assessment assistance through our USEPA Brownfield Assessment program. Please let me know if you have any questions.

Thank you,
Melissa

Best,
Melissa

Melissa S. Johnson | Director of Transportation & Logistics



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